

## **REMARKS**

### ***Claim Amendments***

Claims 194, 200, 203, 204 and 208-226 are amended herein. New claims 235-255 have been added. Accordingly, upon entry of the amendments, claims 194-255 are pending.

Support for these amendments can be found throughout the application as filed. No new matter has been added.

### ***Foreign Priority***

The Office Action is correct that a foreign priority document should not be included in this application file.

### ***Specification***

The specification has been amended to update the status of applications and include a reference to Figures 16A and B. Applicants respectfully note a reference for Figure 3C is found in the last sentence of paragraph [0040]. Accordingly, Applicants request withdrawal of the objections to the specification.

### ***Claim Objections***

Claim 203 has been amended to recite that the nucleic acid sequences comprise an extrachromosomal element. Claim 215 has been amended to recite SEQ ID NO: 10. Accordingly, Applicants request withdrawal of the claim objections.

### ***Claim Rejections - 35 U.S.C. §112, First Paragraph***

Claims 194-225 stand rejected on written description and scope of enablement grounds because they allegedly encompass recombinant cells expressing all heteromeric sweet taste receptors, including those which are at least 90% identical to SEQ ID NOS: 6 and 7, and for those which hybridize to SEQ ID NOS: 9 or 10.

As amended, the claimed recombinant cells express a heteromeric taste receptor that responds to sweet taste stimuli and is comprised of at least one T1R2 polypeptide and at least one T1R3 polypeptide, wherein said T1R2 and T1R3 are encoded by specific SEQ ID NOS, encoded by nucleic acid sequences that hybridize to specific SEQ ID NOS under stringent

hybridization conditions, or are amino acid sequences having at least 90% sequence identity to specific SEQ ID NOs. The claims have also been amended to delete the recitation of fragments. Applicants note the recitation of "at least 90% sequence identity" and the hybridization conditions set forth in the instant claims is consistent with the claim language of U.S. Patent No. 6,955,887. In light of these amendments, Applicants respectfully request withdrawal of the written description and enablement rejections.

***Claim Rejections - 35 U.S.C. §112, Second Paragraph***

Claims 194-234 are rejected over the phrase "and/or." Applicants have amended the claims to delete "and/or."

Claims 194-234 are also rejected over the phrase "activated by." Additionally, in claims 209, 215 and 225 the Office Action asserts that "functional" does not clarify the meaning of "activated by," nor does it provide a specific function.

Applicants have amended the claims to delete "activated by" and "functional."

Claim 204 is rejected over the term "constitutional." Applicants have amended this claim to recite "constitutive."

Claims 208, 210-214, 217 and 220-224 are rejected over the phrase "contained in." Applicants have amended the claims to change "contained in" to "of."

Claims 209, 215, 218 and 225 are rejected over the phrase "associated with." Applicants have amended these claims to delete "associated with."

Claim 219 is rejected over the term "compound." Applicants have amended this claim to delete "compound."

Claims 215 and 225 are rejected over the phrase "stringency conditions." Applicants have amended the claims to recite exact hybridization conditions as suggested in the Office Action.

In light of these amendments and remarks, Applicants respectfully request withdrawal of the 112, 2<sup>nd</sup> paragraph rejections.

***Provisional Obviousness-Type Double Patenting***

The Office Action provisionally rejected claims 194-234 under the judicially created doctrine of obviousness-type double patenting over claims 194-229 of co-pending Application No. 10/725,037, claims 194-235 of co-pending Application No. 10/725,472, and claims 194-256 of co-pending Application No. 10/725,475.

Applicants respectfully request this rejection be held in abeyance until this application is condition for allowance.

### CONCLUSION

It is believed that these amendments and remarks should place this application in condition for allowance. A notice to that effect is respectfully solicited. If the Examiner has any questions relating to this response or the application in general he is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

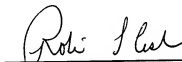
It is believed that no fees are required for entry of this response, but should any fees be necessary, the Commissioner is authorized to charge such fees to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,

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